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Attorney Docket No. 895,675-007

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NAIR et al.

Serial No.: 10/647,971

Filed: August 25, 2003

For: SYSTEM AND METHOD OF

CHARACTERIZING VASCULAR TISSUE

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO–1449.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

#### INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

June 25, 2004

Date of Deposit IR1:1055971.1

Cynthia B. Pacheco

	g of a finite is require	rst Office action after filing a request for continued examination under § 1.114. Thus, red.				
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.				
	×	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.				
	This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance 37 CFR § 1.311.					
		The fee due under 37 CFR § 1.17(p) is submitted herewith.				
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.				
A state	1.113 c	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. Inder 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is swith.  Statement Under 37 CFR § 1.97(e):				
	Fach it	em contained in this IDS was first cited in a communication from a foreign patent				
office:						
	ce in a counterpart foreign application not more than three months prior to the filing of this IDS.  No item contained in this IDS was cited in a communication from a foreign patent office in a					
		reign application, and, to the knowledge of the person signing this statement after				
	•					
		able inquiry, no item of information contained in this IDS was known to any				
ınaıvıc	iuai desi	gnated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.				

## PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

	A check in the amount of \$180.00 is enclosed for the above fee(s).				
	Please charge to Deposit Account No. 50-2862 for the above fee(s).				
	The Commissioner is author	rized to charge any fees required by the filing of these papers, and			
to credit any overpayment to O'Melveny & Myers's Deposit Account No. 50-2862.					
		Respectfully submitted,			
		O'MELVENY & MYERS LLP			
Dated:	June <u>23</u> , 2004	By: John Kappos Reg. No. 37,861 Attorneys for Applicant			

JCK/ 114 Pacifica, Suite 100 Irvine, CA 92618-3315 (949) 737-2900

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

JUN 2 B 2004 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE uired to respond to a collection of information unless it contains a valid OMB control number. Under the Paperwork Reduction

Substitute for form 1449/PTO

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known Application Number 10/647,971 Filing Date August 25, 2003 First Named Inventor NAIR Art Unit Not yet assigned Examiner Name Not yet assigned Attorney Docket Number 895,675-007

			U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2</sup> (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	<del>                                     </del>	Number-Kind Code	00.00.4000	<b>T</b>	, igereer appear
	<u> </u>	<sup>US-</sup> 5,876,343	03-02-1999	Teo	
		<sup>US-</sup> 6,514,203	02-04-2003	Bukshpan	
		<sup>US-</sup> 6,200,268	03-13-2001	Vince	
		<sup>US-</sup> 6,120,445	09-19-2000	Grunwald	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	Γ
		Country Code <sup>3 -</sup> Number <sup>4 -</sup> Kind Code <sup>5</sup> (if known)				Ĺ
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Examiner	Date	
Signature	Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not Considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Senter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

\*Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.